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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

- 1) O.A. NO. 673/89
- 2) O.A. NO. 1085/89

New Delhi this the 25th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. Prabhu Lal S/O Puran Ram,
R/O 5/171, Lalita Park,
Laxmi Nagar, Delhi.
2. Mam Raj S/O Hem Chander,
R/O 407, Chirag Delhi,
New Delhi. ... Applicants

By Advocate Shri S. K. Bisaria

Versus

1. Union of India through
Secretary, Ministry of
Finance (Department of
Revenue), New Delhi.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.
3. Chief Commissioner (Admn.),
Income Tax Office,
I.P. Estate, New Delhi.
4. Secretary, Department
of Personnel & Training,
New Delhi.
(Resp. No.2 in OA-1085/89) ... Respondents

By Advocate Shri R. S. Aggarwal

O R D E R (CRAL)


Hon'ble Mr. Justice V. S. Malimath -


We had occasion to observe in the judgment in
O.A. No. 846/86 between K. C. Sharma & Ors. Vs. Chief
Commissioner (Admn.) & Ors. that the procedure
prescribed in column No. 11 of the Income Tax
Inspectors Recruitment Rules, 1969 as amended is
very difficult to understand, cumbersome and

complicated. We have struck down that column by the said judgment prospectively. We are informed that the said matter has been taken up in appeal and is pending before the Supreme Court. The problem that is highlighted in this case is in regard to the period prior to 27.11.1992. Hence, we have to proceed on the basis that the clumsy column No.11 which we have struck down prospectively has to be understood and operated upon. The petitioners who are scheduled caste candidates belonging to the Ministerial cadre, complain that the relevant orders regarding reservations have not been faithfully followed thereby depriving them the right to promotion to the cadre of Inspectors in pursuance of the selections held in the year 1988. After examining the pleadings and the further materials produced by the counsel for the respondents, we find it extremely difficult to ascertain the precise facts and the precise manner in which the reservation orders have been operated upon in this case. One option in the circumstances available to us is to decline jurisdiction on the ground that the petitioners have failed to make out a satisfactory case. As the candidates belong to the SC category, we thought that that may not be the most appropriate course to be adopted. In the circumstances, we consider it appropriate to dispose of these applications with the following directions :-

If the petitioners file an appropriate representation within one month from this date furnishing the relevant facts and materials in support of their case

and furnish reasons in support of their claim, the same shall be examined by the respondents afresh and disposed of by a reasoned order, after giving an opportunity to other persons likely to be affected by any decision that they may take in regarding to the assignment of appropriate seniority to the petitioners. It is enough having regard to the complexity of the matter to direct that the authorities shall dispose of the representation as expeditiously as is reasonably possible. No costs.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman

/as/